

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 12, 15 and 16 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-16 are now pending in this application.

The Applicant gratefully acknowledges the indication by Examiner Harris that claims 3-16 are allowable over the prior art. By this response, claims 12, 15 and 16 have been rewritten in independent form and are therefore believed to be in *prima facie* condition for allowance.

Applicant respectfully requests reconsideration of the rejection of claims 1-2 under § 102(b) as being anticipated by Bokkers. For the following reasons, it is respectfully urged that Bokkers does not “identically disclose or describe” the subject matter claimed by claim 1 and therefore fails to anticipate claims 1 and 2 of the present application.

Claim 1 requires that “the coolant pump is arranged in such a way as to be positioned laterally beside the heat exchanger.” In plain language, this requires that the coolant pump be located to the outside of the heat exchanger, i.e., out of the flow path of the air passing through the heat exchanger. This is clearly shown in the figures of the present application, namely, that the pump body is completely located laterally of the heat exchanger.

On the other hand, in Bokkers, it is not clearly ascertainable from the drawings whether even a portion of the pump motor P1 actually extends laterally of the heat exchangers 20 and/or 22, since one cannot see exactly in the exploded perspective illustration how the

heat exchangers line up with the remaining structure, and therefore, the drawing does not contain a clear and unequivocal “identical disclosure or description” of the claimed structure. This deficiency negates any alleged anticipation by Bokkers. Furthermore, even if it is assumed *arguendo* that some portion of pump motor P1 may extend laterally of the heat exchangers, it is very clear that the pump itself, i.e., the unnumbered portion between motors P1 and P2 does not extend laterally of the heat exchangers. Rather, the pump itself (as well as at least a portion of the pump motor P1) is clearly positioned inside of the cooling fan module 12, i.e., in front of the heat exchangers.

Therefore, Applicant respectfully submits that claim 1 (as well as claim 2) is not anticipated by Bokkers. In this regard, Applicant believes that the plain meaning of the present claim language (further in view of the structure illustrated in the drawings) is sufficient to literally differentiate the claimed invention from the ambiguous illustrations contained in Bokkers’ drawings. Consequently, withdrawal of the stated rejection is believed to be in order and is courteously solicited.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if for a telephone interview if she is not prepared to allow the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date November 27, 2006

By



FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5414  
Facsimile: (202) 672-5399

Richard L. Schwaab  
Attorney for Applicant  
Registration No. 25,479